

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In the Matter of:

Berndex and Dolores Nicholson

Chapter 13

Case No. 10-29107

Debtor(s).

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Berndex and Dolores Nicholson have filed papers with the Court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to modify the plan as proposed, or if you want the Court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the Court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

Todd C. Esser & Associates
11805 W. Hampton Ave.
Milwaukee, WI 53225
414-461-7000 (t)
414-461-8860 (f)

You must also mail a copy to:

Todd C. Esser & Associates
11805 W. Hampton Ave.
Milwaukee, WI 53225

If you or your attorney do not take these steps, the Court may decide that you do not oppose the request and may enter an Order modifying the Plan.

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:

 X the Debtor;

 the Chapter 13 Trustee;

 the holder of an unsecured claim (Name) (post-confirmation modifications only).

2. This is a request to modify a Chapter 13 Plan (Select A or B):

A. post-confirmation

B. X pre-confirmation (Select i. or ii.);

i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or

ii. X Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: see attached

3. The Proponent wishes to modify the Chapter 13 Plan to do the following: To clarify the proposed Plan treatment of Claims relative to Non-Custodial Support arrearage, and the continued Direct payment by the Debtors of Student Loan debts during the Chapter 13 Plan.

4. The reason for the modification is: To resolve any ambiguity concerning the Plan treatment of Claims relative to Non-Custodial Support arrearage and Student Loans.

5. Select A. or B.

A. _____ The Chapter 13 Plan confirmed or last modified on _____ is modified as follows:

B. X The unconfirmed Chapter 13 Plan dated May 28, 2010 is modified as follows:

a) Non-Custodial Child Support Claims pursuant to 11 U.S.C 507(a)(1)(B) shall receive the same dividend as General, Unsecured Claims, and

b) The Debtors shall maintain post-Petition payments on Student Loans DIRECTLY to the Student Loan providers.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

WHEREFORE, the Proponent requests that the Court approve the modification to the Chapter 13 Plan as stated herein.

Todd C. Esser & Associates
Attorneys for Berndex and Dolores Nicholson

Dated: August 2, 2010

By: Todd A. Koenig
Todd A. Koenig

Dated: 7/29/10

Berndex Nicholson
Berndex Nicholson, Debtor

Dated: 7/29/10

Dolores Nicholson
Dolores Nicholson, Debtor

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:

Berndex and Dolores Nicholson,

Debtors.

Chapter 13 Proceedings
Case No. 10-29107

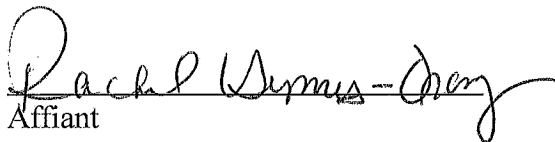
CERTIFICATE OF SERVICE

STATE OF WISCONSIN)
) ss
MILWAUKEE COUNTY)

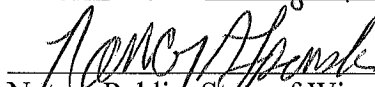
The undersigned, being first duly sworn on oath, says on the 3rd day of August, 2010, she placed the NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN, a copy of which is now on file herein, and that copies of these documents were mailed, properly enclosed in a postage paid envelope, or served electronically if the party accepts electronic service to the following:

Mary Grossman, Trustee, via ecf
Office of U.S. Trustee, via ecf

See attached list.


Affiant

Subscribed and sworn before me
this 3rd day of August, 2010.


Notary Public, State of Wisconsin
My Commission: Expires 11/21/10



Todd C. Esser & Associates
11805 West Hampton Avenue
Milwaukee, WI 53225
Telephone (414) 461-7000
Facsimile (414) 461-8860

Capital One Auto Finance
3901 N Dallas Pkwy
Plano, TX 75093

Capital One, N.a.
C/O American Infosource
Po Box 54529
Oklahoma City, OK 73154

Chase
P.o. Box 15298
Wilmington, DE 19850

Citimortgage Inc
Po Box 9438,dept 0251
Gaithersburg, MD 20898

City of Milwaukee
841 North Broadway, Room 406
Milwaukee, WI 53202-3687

Columbia St. Mary's
Payment Processing Center
PO Box 2960
Milwaukee, WI 53201-2960

Continental Service Group, Inc.
200 CrossKeys Office Park
Fairport, NY 14450

Department of Workforce Development
WI SCTF
P.O. Box 07914
Milwaukee, WI 53207

Glelsi/bank One Educat
Po Box 7860
Madison, WI 53707

Hsbc Bank
Attn: Bankruptcy
Po Box 5253
Carol Stream, IL 60197

Hsbc Bank
Attn: Bankruptcy
Po Box 5213
Carol Stream, IL 60197

Hyundai Finance
Attn: Bankruptcy
Pob 20809
Fountain Valley, CA 92728

Internal Revenue Service
Centralized Insolvency Operation
PO Box 21126
Philadelphia, PA 19114-0326

Nissn Inf Lt
Attn: Bankruptcy
8900 Freeport Parkway
Irving, TX 75063

Slc Conduit
99 Garnsey Rd
Pittsford, NY 14534

Slc Conduit I Llc
99 Garnsey Rd
Pittsford, NY 14534

Slm Entities/glelsi
2401 International Ln
Madison, WI 53704

Suzuki Credit
Po Box 111897
Nashville, TN 37222

Wi Electric
Attention: Bankruptcy A130
Po Box 2046
Milwaukee, WI 53201

Wisconsin Department of Revenue
Mail Stop 4-206
PO Box 8901
Madison, WI 53708-8901

Wisconsin Radiology Spec. SC
PO Box 2350
Brookfield, WI 53008-2350